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DEC 05 2006

App. No. 10/811,232
Amendment Dated: September 5, 2006
Reply to Office Action of July 5, 2006

REMARKS/ARGUMENTS

In the Office Action mailed July 5, 2006 Claims 1-21 were rejected. Claims 1-21 rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Mathis (Patent Publication Number 2003/0083046) in view of Florkey et al. (US. Patent Number 6,990,353). Claims 1, 8 and 15 have been amended. No new matter has been added. In view of the following amendments and remarks, reconsideration and allowance of all pending claims are respectfully requested.

Claim Rejections

With regard to Claim 1, the Office Action states that "Mathis fails to disclose a client application is not a client IM application" but argues that Florkey discloses this limitation. The Office Action states that "Florkey discloses a communication to one mobile station of update of call participation availability status of another mobile station. Additionally Florkey et al. discloses a client application in not a client IM application (which read on column 1 lines 60-67 and column 2 lines 1-26)." The Applicants respectfully disagree and present the following for consideration.

Column 1, lines 60-67 and column 2, lines 1-26 of Florkey disclose that a server component provides updates to a mobile station regarding the status of another mobile station. Column 2, lines 2-7 of Florkey states "[t]he application server component communicates the update of the status of the first mobile station to the second mobile station to indicate to the second mobile station whether the first mobile station is available for participation in a call with the second mobile station." In Florkey, a server component handles the communication to each

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of the mobile stations regarding the status of a mobile station. In an example provided by Florkey, the data node residing on the server automatically sends a notification message about a first mobile station to other mobile stations when a mobile station(s) is available for a call (See column 9, lines 15-28). While the Applicants submit that the claims are allowable as presented, the Applicants have amended the independent Claims to more clearly define the invention and to further the prosecution of this matter.

As amended, Claim 1 recites in part "receiving a request from the client application through an Application Programming Interface (API) call made by the client application for the IM presence information; wherein the client application is not configured as a client IM application;" and "forwarding the IM presence information to the client application when the IM presence information is located, such that the IM presence information is integrated with the client application and, otherwise when the IM presence information is not located, forwarding an indication that the IM presence information is not located to the client application."

In contrast, Florkey discloses automatically sending the status of a device to mobile stations whenever the status of the device changes. This status update is not through "an Application Programming Interface (API) call made by the client application" as recited in Independent Claim 1. Additionally, Florkey does not disclose providing an indication to a mobile station when "IM presence information is not located." Instead, Florkey only provides updates regarding status changes of a device.

Independent Claim 8 has similarly been amended and includes the recitation to "receive a request from the client application for the IM presence information through an application

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program interface (API) call made by the client application each time IM presence information is forwarded to the client application" that further defines the invention. As stated above, Florkey automatically sends updates to the mobile stations when a status of a device changes. This update is not in response to a request from a client "each time IM presence information is forwarded to the client application." Additionally, Florkey discloses providing the updates based on buddy lists and not through a request by a client application. Florkey states at column 4, lines 39-51 that "[t]he first list 120 identifies one or more of the mobile stations 114 and 116 from/about which the user of the mobile station 112 requests to receive status updates. ... In one example, the second list 122 comprises a reverse-subscription list (e.g., a reverse-buddy list) for the user of the mobile station 112. The second list 122 comprises a list of the users of the mobile stations 114 and 116 which list as a buddy the user of the mobile stations 112. The second list 122 identifies one or more of the mobile stations 114 and 116 that request to receive status updates from/about the mobile station 112." Florkey clearly does not teach receiving a request "each time IM presence information is forwarded to the client application" as recited in Claim 8.

Independent Claim 15 has been similarly amended and recites in part "receive a request from the client application for the IM presence information each time IM presence information, or an indication that the IM presence information is not located, is forwarded to the client application." As discussed above, Florkey automatically sends updates of status to mobile devices based and does not respond to each request.

Conclusion

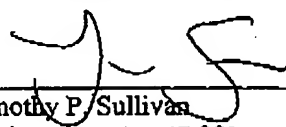
In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is

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respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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